ZONING BOARD OF APPEALS

The hearing on Tuesday, May 9, 2023, is called to order by Chairman Kweik at 7:00 pm.

Members present:	John Jimenez	Also:	Phyllis Todoro, Town Atty
	Greg Kalinowski		Ray Balcerzak, Building Insp
	Ron Carey		
	Robert Schafer, Alternate	Absent:	Shawn Pralow
	Harry Kwiek		Jim Lembke

Appeals Case #1437 for Bowen Place LLC of 2350 Bowen Rd, Elma, NY who is requesting an area variance to install signs on the building for all various tenants in the plaza §144-93.9 G (2), (3), (4), and (5), Elma overlay and C-2.

Tim Delaney from 71 President Walk, Williamsville, NY 14221 was present representing Bowen Place LLC. Mr. Delaney stated the signs will be the same type for each business unit. If there are any changes made to the signs the applicant must return for additional approvals. The sign must be the same size, but tenants will keep their own logos, the liquor store is different. Five (5) units - backlit LED signs are all under lease now, with one being month-to-month and the rest annually. The signs are interchangeable panels (front panels). The signs are all static with no scrolling.

Mr. Jiminez questioned how they came up with the size of the signs, the Karate Building sign is 2'x 6', the code is 20 sf total. Mr. Schafer feels the signs are too large, 8' too large for the building, the salon and liquor store have open signs. Mr. Carey stated the code for each building is 20 sf, and that 2'x 8' (16 sf) is 4% of the full front of the building. All buildings should be different. The left (Spa) is 28' wide; the next two units are 25'; the photo is 22'; and the liquor store is 29'. The signs will protrude from the face of the building because of different depths and signs would have to have different support arms.

Mr. Delaney will call his salesman and get the figures on the sizes. He also stated that the grant money is paying for the signs at the photo shop and liquor store, the rest of the tenants are paying for their signs. If the depth of the signs is greater than 6" then the case would have to go to the planning board to get their approval under section §144-93.9 G.

No one spoke in favor or against the variance.

Mr. Kalinowski made a motion to approve the variance for Appeals Case #1437 for Bowen Place LLC of 2350 Bowen Road, Elma, NY who is requesting an area variance to install signs on the building for all various tenants in the plaza §144-93.9 G (2), (3), (4), and (5), Elma Center Overlay and C-2 based on the following criteria:

1) The benefit being sought by the applicant cannot be achieved by any other means.
2) Request will not produce change in negligible property.
3) Not substantial – not negative upset or adjacent property
4) No adverse impact on property.
5) Not a self-created difficulty

**Also, the sign has to be flush with building and should not protrude more than 6" from the face of the building. Mr. Carey added LED static signs, with no form of flashing or scrolling etc.

Seconded by Mr. Jimenez Ayes: 4 Nayes: 1

Appeals Case # 1438 Timothy Pawarski of 1905 Transit RD, Elma, NY who is requesting an area variance to build a 24' x 30' pole barn with less than the required side yard setback §144-99 C (6), Residential C.

Mr. Pawarski was present for the case. The neighbors to the left of Mr. Pawarski provided a letter of support. The ranch is a two-bedroom with no basement. Mr. Pawarski stated the building will be used for storage because he has no attic and has 1 car garage. The building will be a metal building.

The reason for the setback variance is 5' on the north side. The property is 90' wide, back to Cazenovia Creek - needs to stay away from the creek. An 8' x 8' shed which will be taken down. Mr. Shafer talked about the shed. Mr. Carey asked about the septic on an old survey from 10 years ago and showed the survey, but Mr. Pawarski says it is in the front of the property and if shown in the back, it was a mistake. What is the hardship you have since it cannot be moved over 5' from north to south from house to cliff it is 60'. He would not be able to swing in with his trucks, which is why he wants it closer to sideline.

Mr. Pawarski showed the neighbor the photo of the intended building. Mr. Jiminez - home and corner of the base a minimum of 10' trying to do 15' so it allows ingress/ egress. Amish construction. Mr. Kalinowski asked if the floating pad would be put down and would be putting electricity in it. Mr. Pawarski also stated he spoke with neighbors up and down the road. Read the letter into the record.

No one spoke in favor or against it.

Mr. Jiminez made the motion to approve the variance for Appeals Case #1438 for Timothy Pawarski of 1905 Transit RD, Elma, NY who is requesting an area variance to build a 20' x 30' pole barn with less than the required side yard setback §144-99 C (6), residential C based on the following criteria:

1. Will not cause detriment to neighbors or property.
2. The benefit sought cannot be achieved by any other means.
3. Not substantial
4. No adverse impact on community.
5. Not self-created.

Seconded by Mr. Schafer. Ayes: 5

Motion to adjourn by Mr. Jiminez and seconded by Mr. Kalinowski. All in favor.

Respectfully submitted,

Kerry Galuski
Zoning Board Secretary